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SUBCOMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES CONCLUDES DEBATE ON VIOLATIONS

Cites Flagrant Violations of Right to Asylum

Attacks against asylum centres in democratic countries, ill-treatment of Palestinian refugees in Kuwait and the recent refoulement of Kurds represented some of the most serious violations of human rights in the world today, said a member of the Subcommission on Prevention of Discrimination and Protection of Minorities.

The Subcommission, concluding its debate on human rights violations, also heard experts address problems in Iraq and in Kosovo, Yugoslavia. An expert said the violations in the Soviet Union were due to the Government's inability to control the situation, which was a legacy of decades of dictatorship.

The experts from Cuba, Argentina, the Soviet Union, Yugoslavia, the United States and China took part in the discussion.

The observers from Indonesia, Cyprus, Mauritania, Portugal and Iraq spoke in exercise of the right of reply.

At this morning's meeting of the Subcommission, a statement was made by the Chairman of the Commission on Human Rights.

When it meets again at 10 a.m. tomorrow 16 August, the Subcommission will take up the protection of minorities.

Statement by Chairman of Commission on Human Rights

ENRIQUE BERNALES BALLESTEROS, Chairman of the Commission on Human Rights, said the Commission had considered a number of guidelines which could

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assist the Subcommission in improving the way it carried out its tasks and responsibilities. The criterion of independence of the experts was essential for the efficient functioning of the Subcommission. Preparation of studies was among its most important technical contributions, as was its analysis of new developments in human rights. The Commission had suggested that the Subcommission reduce the number of draft resolutions and draft decisions and that it concentrate on specific questions of human rights. Better use should be made of scarce resources.

Statements by Experts

MIGUEL ALFONSO MARTINEZ, expert from Cuba, said much of the debate in the Subcommission had focused on the events in the Persian Gulf, which was an odd way of dealing with questions of human rights. The issue of two weights, two measures -- of the selective approach -- remained. The Cyprus problem had not been solved because of the matter of the international use of force; another unsolved problem was that of territories under colonial rule, such as Puerto Rico.

LEANDRO DESPOUY, expert from Argentina, said the present situation of Iraq was dangerous, particularly the food situation and how it affected children, who should not have to pay for the military intervention. The Subcommission should make a humanitarian declaration about that situation. There were gross violations of the right to asylum. The problem of the world's 15 million refugees was more complicated and persistent today than ever before. In the past, refugees had been regarded as victims of abuse and persecution; now they were regarded as clandestine movers and were dealt with by immigration offices. The refusal of some Governments to allow the United Nations High Commissioner for Refugees (UNHCR) access to refugees and the practice of automatically detaining asylum seekers in some countries were deplorable.

Attacks against asylum centres in democratic countries, the treatment of Palestinian refugees in Kuwait and flagrant violations of the principle of non-refoulement committed against the Kurds all pointed to the urgency of the need to find solutions, he went on. The time had come to have Special Rapporteur on violations of the right to asylum appointed. There was also the problem of the lack of security of refugees in Europe, as demonstrated recently by assassinations of Iranian refugees.

STANISLAV CHERNICHENKO, expert from the Soviet Union, said some human rights violations occurred in his country because the federal authorities were not always able to control the situation, which was a legacy of decades of dictatorship. That caused economic difficulties, as in the case of Armenia and Azerbaijan, where human rights were being violated on both sides and there was an outpouring of refugees.

The issue of violations was just as grave, he went on, in the confrontation between Georgians and inhabitants of Asistia, the tragic events in Lithuania and Latvia and the burning of soldiers in Uzbekhistan. A general approach should be defined which also took the particular circumstances into account. Many Turks had been forcefully removed during the Stalinist era, of

which the country was now harvesting the fruit. The Russian-speaking population in the three Baltic republics, on the other hand, was afraid of discrimination, including the possible removal of citizenship.

In his country, the right hand was very far removed from the left hand; economic recovery would help resolve many human rights problems. He regretted that human rights were violated even in rich countries. In some nations of Eastern Europe, those who had belonged to the former ruling powers were being ill-treated. There was concern that racial discrimination had penetrated into the judicial system of the United States, and about the cruelty of that country's police and of execution by the electric chair.

DANILO TURK, expert from Yugoslavia, said the Subcommission might be the only United Nations body capable of expressing an opinion on violations of human rights in certain situations, where it should be the first to break the silence or to facilitate the tasks of other forums by recommending an approach to a problem. Condemnation might not be always the most efficient way of dealing with violations. There might be other methods, including advisory services, good offices and mediation. In situations where human rights violations occurred as a result of political or ethnic conflicts, it would perhaps be most appropriate and indeed necessary to encourage dialogue, to bring parties in the dispute to a negotiating table or to try to find an appropriate form of good offices or mediation.

The situation in Kosovo, he continued, could be described primarily in terms of human rights problems. The solutions must be sought and found in the country where the problems actually occurred. International action could help, provided it targeted those issues which lent themselves to effective international action. One of the main problems blocking progress towards effective realization of human rights for all in Kosovo was the absence of a meaningful political dialogue between the government of Serbia and the Albanian population. Establishment of such a dialogue was one of the essential prerequisites in the search for viable solutions. In the case of Kosovo, it might be useful if the Subcommission appealed to the parties directly involved in the situation to start a dialogue soon.

WILLIAM W. TREAT, expert from the United States, said the recent Gulf war had been entered into after months of negotiations at the General Assembly and the Security Council. The international community had been unanimous in its decision to conduct the war. The United States had taken a leadership role which had been accepted by the rest of the world.

Many violations were continuing to occur in Iraq; some effort should be made by the United Nations to continue to monitor activities there. Iraqi citizens should get the protection they deserved. Expectations had been too high after the war. Many people thought the new conditions would guarantee protection of human rights in the region. Democracy could not be imposed on countries, but democratic countries should never stop proclaiming the virtues of democracy.

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JIN TIAN, expert from China, said some people wished to force certain concepts on all areas of the world, disregarding regional specificities. There had always been more than one socio-economic system in the world. Anything imposed on, or copied from, others could not be long-lasting. The opinions of both sides to an issue should be considered in discussing human right violations.

Rights of Reply

HASSAN WIRAJUDA, observer from Indonesia, speaking in exercise of the right of reply, said the statement by Portugal had not only once again polluted a respectable and objective expert body with undue politicization, but could also spoil the painstaking efforts made under the auspices of the Secretary-General. The Indonesian Government had made every effort to have the United Nations participate in the decolonization process and had never failed to report every stage of that process to the Secretary-General. Perhaps that process had not been as perfect as it should have been, but then neither had that been the case in Portugal's other former colony.

East Timor had ceased to be an issue of the exercise of the right to self-determination, he went on. Any attempt to pretend otherwise would negate the prerogative and fundamental rights of the people of East Timor to determine its own future.

VARIAS MARKIDES, observer from Cyprus, said more than 50 United Nations resolutions on Cyprus remained unimplemented; the international community and the suffering people of Cyprus had both had enough. His statement would not poison the atmosphere; it had proposed a solution fully respecting the rights of the people of Cyprus.

ABDOUL BA, observer from Mauritania, said allegations made by Amnesty International were in fact accusations against his country. They had been drawn from evidence obtained by former detainees who had attempted to overthrow the Government. An investigation of allegations was under way. Profound changes were taking place in Mauritania. General amnesty had been proclaimed and free general elections were scheduled to take place before the end of the year.

JOSI JULIO PEREKA GOMES, observer from Portugal, said the Security Council had urged Indonesia to withdraw its troops from East Timor. Consequently, the situation was evaluated each year by the Fourth Committee (Decolonization). Portugal supported the Secretary-General's efforts to find a solution.

Mr. WIRAJUDA, observer from Indonesia, asked Portugal to prove its concern for the people of East Timor and to demonstrate its good will by supporting the peace efforts undertaken under the auspices of the United Nations.

MAHAMMED AL-DOURI, observer from Iraq, said the expert from the United States should have referred to the impact of the sanctions on the Iraqi people. The destruction of his country had included its entire infrastructure, which was why the people suffered. He asked whether the killing of several hundred people during one incident of the war was an example of international legality.

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